

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

SHAWNDOE PROCTOR,

Plaintiff,

v.

NANCY A. BERRYHILL,  
ACTING COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

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CASE NO. 1:17CV2663

JUDGE BENITA Y. PEARSON

**MEMORANDUM OF OPINION**  
**AND ORDER**

An Administrative Law Judge (“ALJ”) denied Plaintiff Shawndoe Proctor’s applications for disability insurance benefits (“DIB”) and supplemental security income (“SSI”) after a hearing in the above-captioned case. That decision became the final determination of the Commissioner of Social Security when the Appeals Council denied the request to review the ALJ’s decision. The claimant sought judicial review of the Commissioner’s decision, and the Court referred the case to Magistrate Judge Thomas M. Parker for preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(1\)](#).

On September 25, 2018, the magistrate judge submitted a Report & Recommendation ([ECF No. 17](#)) recommending that the Court vacate the Commissioner’s decision and the matter be remanded for further proceedings because the ALJ failed to apply the correct legal standards. Specifically, the magistrate judge found that the ALJ failed to articulate good reasons for rejecting Plaintiff’s treating physician’s opinion. [ECF No. 17 at PageID #: 1937-38](#). The

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magistrate judge also found that the ALJ failed to show why Defendant did not meet Listing 1.04(B). Id. at PageID #: 1941-42.

Fed. R. Civ. P. 72(b)(2) provides that objections to a report and recommendation must be filed within 14 days after service. Objections to the magistrate judge's Report were, therefore, due on October 9, 2018. On October 9, 2018, Defendant filed a Response to Magistrate Judge's Report and Recommended Decision, stating that it will not be filing objections. ECF No. 18. Furthermore, Plaintiff has not filed any objections, evidencing satisfaction with the magistrate judge's recommendations. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Report and Recommendation of the magistrate judge is hereby adopted. The Court vacates the decision of the Commissioner of Social Security and remands this case to the Commissioner for rehearing and a new decision.

IT IS SO ORDERED.

November 9, 2018  
Date

/s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge